

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARIEL HERNANDEZ,

No C-00-3894 VRW

Plaintiff,

ORDER

v

No C-00-3944 VRW

No C-00-3987 VRW

COPPER MOUNTAIN NETWORKS,  
INC, et al,

No C-00-3998 VRW

No C-00-4017 VRW

No C-00-4045 VRW

Defendants.

No C-00-4062 VRW

No C-00-4093 VRW

No C-00-4115 VRW

No C-00-4127 VRW

AND RELATED MATTERS

No C-00-4171 VRW

No C-00-4172 VRW

No C-00-4255 VRW

No C-00-4281 VRW

No C-00-4282 VRW

No C-00-4299 VRW

No C-00-4314 VRW

No C-00-4364 VRW

No C-00-4436 VRW

No C-00-4474 VRW

No C-00-4640 VRW

No C-01-0019 VRW

No C-01-0082 VRW

Currently pending before the court is a motion filed by  
the Copper Mountain Investors group (CMI) to consolidate these  
23 actions pursuant to 15 USC § 78u-4(a)(3)(B)(ii). Doc #20.

The court notes that the complaints allege common questions of law and fact. Indeed, all of the actions seek damages from the same three defendants, Copper Mountain Networks, Inc; Richard Gilbert and John Creelman, and each complaint alleges a class period from either April 18 or 19, 2000, through October 17, 2000. Moreover, at the case management conference held on March 8, 2001, defendants and the proposed lead plaintiffs explicitly expressed no opposition to consolidation.

The court concludes, therefore, that pursuant to FRCP 42(a), consolidation is appropriate. The following actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial proceedings:

| ABBREVIATED CASE NAME   | CASE NUMBER   | DATE FILED |
|---|---------------|------------|
| <u>Hernandez v Copper Mountain Networks, Inc, et al</u>       | C-00-3894-VRW | 10/20/00   |
| <u>Troxell, et al v Copper Mountain Networks, Inc, et al</u>  | C-00-3944-VRW | 10/25/00   |
| <u>Burke v Copper Mountain Networks, Inc, et al</u>           | C-00-3987-VRW | 10/27/00   |
| <u>Gendelman v Copper Mountain Networks, Inc, et al</u>       | C-00-3998-VRW | 10/30/00   |
| <u>Sontag v Copper Mountain Networks, Inc, et al</u>          | C-00-4017-VRW | 10/31/00   |
| <u>Baviello v Copper Mountain Networks, Inc, et al</u>        | C-00-4045-VRW | 11/01/00   |
| <u>Bender v Copper Mountain Networks, Inc, et al</u>          | C-00-4062-VRW | 11/02/00   |
| <u>Wiener v Copper Mountain Networks, Inc, et al</u>          | C-00-4093-VRW | 11/06/00   |
| <u>Campbell, et al v Copper Mountain Networks, Inc, et al</u> | C-00-4115-VRW | 11/06/00   |
| <u>Kalderon v Copper Mountain Networks, Inc, et al</u>        | C-00-4127-VRW | 11/07/00   |
| <u>Zimmerman v Copper Mountain Networks, Inc, et al</u>       | C-00-4171-VRW | 11/09/00   |
| <u>Greenfogel v Copper Mountain Networks, Inc, et al</u>      | C-00-4172-VRW | 11/09/00   |
| <u>Chenoweth v Copper Mountain Networks, Inc, et al</u>       | C-00-4255-VRW | 11/15/00   |
| <u>Shiloh v Copper Mountain Networks, Inc, et al</u>          | C-00-4281-VRW | 11/16/00   |
| <u>Josephson v Copper Mountain Networks, Inc, et al</u>       | C-00-4282-VRW | 10/26/00   |

|   |               |          |
|---|---------------|----------|
| <u>Patel v Copper Mountain Networks, Inc, et al</u>   | C-00-4299-VRW | 11/16/00 |
| <u>Herzka v Copper Mountain Networks, Inc, et al</u>  | C-00-4314-VRW | 11/17/00 |
| <u>Rojas v Copper Mountain Networks, Inc, et al</u>   | C-00-4364-VRW | 11/21/00 |
| <u>Stevens v Copper Mountain Networks, Inc, et al</u> | C-00-4436-VRW | 11/08/00 |
| <u>Labov v Copper Mountain Networks, Inc, et al</u>   | C-00-4474-VRW | 11/08/00 |
| <u>Hafner v Copper Mountain Networks, Inc, et al</u>  | C-00-4640-VRW | 12/11/00 |
| <u>Britton v Copper Mountain Networks, Inc, et al</u> | C-01-0019-VRW | 12/21/00 |
| <u>Kassin v Copper Mountain Networks, Inc, et al</u>  | C-01-0082-VRW | 12/06/00 |

The consolidated cases shall be identified as: In re Copper Mountain Networks Securities Litigation, Case No C-00-3894-VRW, and the files of this action shall be maintained in one file under Master File No C-00-3894-VRW. Any other action now pending or hereafter filed in this district which arises out of the same facts and claims alleged in these related actions shall be consolidated for all purposes as the court is apprised of them. The parties shall notify the court of any other action that is pending or filed in or outside this district which may be related to the subject matter of these consolidated actions if and when they become aware of such actions.

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Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re COPPER MOUNTAIN NETWORKS, No C-00-3894 VRW  
INC SECURITIES LITIGATION  
CLASS ACTION

When a pleading is intended to be applicable to all actions to which this order is applicable, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the above caption. When a pleading is intended to be applicable only to some, but not all, of such actions, the court's docket number for each individual action to which the document is intended to be applicable and the last name of the first-named plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption described above, e g, "This Document Relates To: Hernandez, Case No C-00-3894-VRW."

From the date of entry of this order, the parties shall comply with 15 USC § 78u-4(b)(3)(C)(i), without regard to whether a stay under 15 USC § 78u-4(b)(3)(B) is in effect, and shall comply with 15 USC § 78u-4(b)(3)(C)(i)'s provisions concerning documents relevant to allegations contained in any and all of the pleadings in these actions, including any

1 consolidated complaint.

2 Unless otherwise agreed between the parties, lead  
3 plaintiff shall file a consolidated class action complaint no  
4 later than 60 days from the date of this order. The  
5 consolidated class action complaint shall be treated as if it  
6 were the original complaint, and all defendants shall have 45  
7 days after the filing and service of the consolidated class  
8 action complaint to answer or otherwise respond.  
9 Notwithstanding the filing of the consolidated class action  
10 complaint pursuant to FRCP 15(a), in the event that defendants  
11 file any motions directed at the consolidated class action  
12 complaint, counsel are to meet and confer and report to the  
13 court with regard to an acceptable briefing and hearing schedule  
14 for such motions. The briefing schedule, however, shall be  
15 governed by the local rules unless the court orders otherwise.

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17 IT IS SO ORDERED.

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21 VAUGHN R WALKER  
22 United States District  
23 Judge  
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